

*2 PAGE AFFIDAVIT FROM BOARD CERTIFIED / COURT CERTIFIED
Forensic Document Examiner Included; NO DETERMINATION ON SIGNATURE
MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT
SENTENCE BY A PERSON IN FEDERAL CUSTODY
NO AFFIDAVIT No True Bill

United States District Court		District	W.D.N.Y.
Name (under which you were convicted): Joseph W. Peeples III		Docket or Case No.: 6:17-CR-06032-FPG-JWF	
Place of Confinement: U.S.P. BEAUMONT		Prisoner No.: 40425-048	
UNITED STATES OF AMERICA		Movant (include name under which you were convicted) JOSEPH W. PEEPLES III	

FRAUD UPON COURT "EMERGENCY" NO SIGNED DOCUMENTS
OR SEALED

1. (a) Name and location of court that entered the judgment of conviction you are challenging:

W.D.N.Y.

100 STATE ST ROCHESTER NY 14614

(b) Criminal docket or case number (if you know): 6:17-CR-06032-FPG-JWF

2. (a) Date of the judgment of conviction (if you know):

8-1-18

(b) Date of sentencing: 7-27-18

3. Length of sentence: 264 MONTHS

4. Nature of crime (all counts):

3 COUNT INDICTMENT IN VIOLATION 21 U.S.C. § 213A(b)

① BANK ROBBERY

② ENTERING A BANK WITH INTENT TO COMMIT LARCENY

③ BANK LARCENY

5. (a) What was your plea? (Check one)

(1) Not guilty ☒

(2) Guilty ☐

(3) Nolo contendere (no contest) ☐

(b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, what did you plead guilty to and what did you plead not guilty to?

N/A

6. If you went to trial, what kind of trial did you have? (Check one)

Jury ☒

Judge only ☐

*NO GRAND JURY Foreperson NAME (ANONYMOUS) OR SIGNATURE, FASCIMILE, STAMP OR SEAL ANYWHERE! 6+7

7. Did you testify at a pretrial hearing, trial, or post-trial hearing? Yes ☐ No ☒
8. Did you appeal from the judgment of conviction? Yes ☒ No ☐
9. If you did appeal, answer the following:

- (a) Name of court: U.S. C.O.A. 2ND CIR
- (b) Docket or case number (if you know): 18-2309/18-2309CR
- (c) Result: AFFIRMED
- (d) Date of result (if you know): 6/22/20
- (e) Citation to the case (if you know):
- (f) Grounds raised:

- ① OBVIOUS UNPRECEDENTED VIOLATION OF F.R.C.P. 5(c)(3)
- ② RIGHT TO DUE PROCESS NO PREVIOUS ID BEFORE TRIAL
- ③ OBVIOUS UNPRECEDENTED BLANK JURAT ON SWORN AFFIDAVIT
- ④ FAILURE TO SUPPRESS EVIDENCE SEIZED AT HOTEL
- ⑤ NO NAME, NO SIGNATURE ON MY INSTRUMENT BY ANY FOREPERSON
- (g) Did you file a petition for certiorari in the United States Supreme Court? Yes ☒ No ☐

If "Yes," answer the following:

- (1) Docket or case number (if you know): 20-6580

(2) Result:

DENIED ONLY BY ONE NOTICE NO EXPLANATION

(3) Date of result (if you know):

(4) Citation to the case (if you know):

(5) Grounds raised:

THAT I HAVE BEEN USURPED UNPRECEDENTEDLY WITHOUT ANY SIGNED OR SEALED SELF-AUTHENTICATING FEDERAL DOCUMENTS (RULE 901+902) BY ANYONE EMPOWERED TO DETERMINE PROBABLE CAUSE ON MY CRIMINAL COMPLAINT OR AFFIRMATION OF POLLING BY FOREPERSON.

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications concerning this judgment of conviction in any court?

Yes ☒ No ☐

11. If your answer to Question 10 was "Yes," give the following information:

- (a) (1) Name of court: U.S. C.O.A. 2ND CIR
- (2) Docket or case number (if you know): 18-1369
- (3) Date of filing (if you know):

5-7-18

NO DETERMINATION CAN BE MADE

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(4) Nature of the proceeding: EMERGENCY MANDAMUS

(5) Grounds raised:

THAT I AM BEING USURPED WITHOUT ANY AFFIRMATION
BY SIGNATURE OF MY GUARANTEED BILL OF RIGHTS 4th
AMENDMENT + 14th AMENDMENT RIGHTS TO BASIC
DUE PROCESS. NO SIGNED OR SEALED (RULE 902) + 901
DOCUMENTS ON MY ENTIRE CRIMINAL COMPLAINT
OR CERTIFIED INDICTMENT OF RECORD. 16 TIMESTAMPS?

(6) Did you receive a hearing where evidence was given on your motion, petition, or application? Yes ☐ No ☒

(7) Result: DENIED

(8) Date of result (if you know): 8-8-18

(b) If you filed any second motion, petition, or application, give the same information:

(1) Name of court:

(2) Docket or case number (if you know):

(3) Date of filing (if you know):

(4) Nature of the proceeding:

(5) Grounds raised:

N/A

(6) Did you receive a hearing where evidence was given on your motion, petition, or application? Yes ☐ No ☐

(7) Result:

(8) Date of result (if you know):

N/A

(c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

(1) First petition: Yes ☐ No ☐

(2) Second petition: Yes ☐ No ☐

N/A

AM I LYING?
Doc #1 #48 #73
Expert Swears,

(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not:

N/A

12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

I WAS DETAINED BY ONE AGENT (JOHN BOKAL) OF FBI ON 1-5-17 APPROX 9:56 PM IN THE JURISDICTION OF THE N.D.N.Y AND CHARGED WITH A CRIME BY ONE AGENT WITH BANK ROBBERY IN THE W.D.N.Y.. I WAS HELD OVER NIGHT FOR A GUARANTEED IMPARTIAL DETERMINATION OF PROBABLE CAUSE IN DISTRICT OF ARREST THE NEXT MORNING. MY PROPERTY WAS SEIZED. INSTEAD OF MY GUARANTEED PRE-LIM HEARING, TWO AGENTS FROM W.D.N.Y (FICRITO + WRITER) WERE DISPATCHED "WITHOUT ANY PAPERWORK" TO DENY MY HEARING.

(b) Direct Appeal of Ground One:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why:

N/A

(c) **Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☒ No ☐

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: EMERGENCY MANDAMUS

Name and location of the court where the motion or petition was filed:

U.S. CO.A. 2ND CIR 18-1369

THE JUDGE IN N.D.N.Y. BAXTER
ISSUED A WARRANT BASED ON A
BLANK AFFIDAVIT. 901+902 RULE.

Docket or case number (if you know): 18-1369

Date of the court's decision: 8-8-18

Result (attach a copy of the court's opinion or order, if available):

NOT AVAILABLE

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☒ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☒ No ☐

(6) If your answer to Question (c)(4) is "Yes," state: PETITION FOR RE-HEARING

Name and location of the court where the appeal was filed:

U.S. C.O.A. 2nd CIR 8-21-18

Docket or case number (if you know): 18-1369

Date of the court's decision: 11-8-18

Result (attach a copy of the court's opinion or order, if available):

DENIED / NOT AVAILABLE

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

N/A

GROUND TWO:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

My SWORN AFFIDAVIT OF CRIMINAL COMPLAINT BY COMPLAINING AGENT (4th AMEND) SETH FLEITMAN HAS NO AFFIRMATION (UNPRECEDENTED), A BLANK JURAT.

THE COURT CERTIFIED DOCUMENT OF INDICTMENT IS VOID OF ANY ATTESTMENT BY NAME OR SIGNATURE OF POLLING GRAND JURY FOREPERSON. A "COVER PAGE" SWORN BY BOTH JUDGES TO BE SIGNED IN PRESENCE OF COURT; AN EXPERT COULD NOT VERIFY "COVER-PAGE".

AM I LYING OR SOMETHING?

(b) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why:

N/A BARRED FROM RAISING ISSUE ON DIRECT
 DUE TO "MOTION IN LIMINE" Doc # 79
 COULD NOT GET IT ON RECORDS!

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☒ No ☐

(2) If your answer to Question (c)(1) is "Yes," state: EMERGENCY MANDAMUS

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

U.S. COA. 2ND CIR

Docket or case number (if you know): 18-1369

Date of the court's decision: 8-8-18

Result (attach a copy of the court's opinion or order, if available):

NOT AVAILABLE

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☒ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☒ No ☐

(6) If your answer to Question (c)(4) is "Yes," state: PETITION FOR REHEARING

Name and location of the court where the appeal was filed:

U.S. COA. 2ND CIR

Docket or case number (if you know): 18-1369

Date of the court's decision: 8-21-18

Result (attach a copy of the court's opinion or order, if available):

NOT AVAILABLE

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

N/A

GROUND THREE:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

2. MY CERTIFIED INDICTMENT OF RECORD IS JUST
A TYPED PIECE OF PAPER. WITH NO NAME OR
SIGNATURE OF IMPARTIALLY CITIZEN ELECTED GRAND
JURY FOREPERSON CHARGED WITH THE DUTY OF
POLLING THE JURY FOR INDICTMENT (UNPRECEDENTED).
THIS CERTIFIED INDICTMENT OF RECORD CONTAINS
NO STAMPS OR SEALS OF THE COURT, NOTHING! 90102902
Rule

(b) Direct Appeal of Ground Three:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why:

BARRED FROM RAISING ISSUE ON DIRECT DUE TO MOTION
IN LIMINE Doc#79

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☒ No ☐

(2) If your answer to Question (c)(1) is "Yes," state: U.S. Supreme Court

Type of motion or petition: CERTIORARI

Name and location of the court where the motion or petition was filed:

WASHINGTON DC

Docket or case number (if you know): 20-6580

Date of the court's decision:

JANUARY 2021

Result (attach a copy of the court's opinion or order, if available):

NOT AVAILABLE WAS JUST A LETTER (POSSIBLE U.S. MAIL THEFT)

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☒ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☒ No ☐

(6) If your answer to Question (c)(4) is "Yes," state: PETITION FOR REHEARING
Name and location of the court where the appeal was filed:

WASHINGTON DC

Docket or case number (if you know): 20-6580

Date of the court's decision: NEVER RECEIVED ANSWER ON REHEARING (POSSIBLE MAIL THEFT)

Result (attach a copy of the court's opinion or order, if available):

NOT AVAILABLE

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

N/A

GROUND FOUR:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

ON DOC #48 JUDGE FELDMAN SWORE UNDER OATH THAT HE SIGNED ALONG WITH AGENT FLEITMAN, LIVE IN THE PRESENCE OF THE COURT DOC #1; A "COVER-PAGE" TO UNPRECEDENTEDLY STAND IN FOR (REPLACE) THE UNPRECEDENTED BLANK JURAT ON MY SWORN AFFIDAVIT, EVENTHOUGH THE SUPPOSED AFFIDAVIT WAS THERE, WITH NO TIME STAMP OR SEAL. ON DOC #73 CHIEF JUDGE GERACI WITHOUT ATTEMPT TO LOCATE ORIGINAL BY CHECK + BALANCE OR DUE DILLIGENCE SAYS EVENTHOUGH FELDMAN DID NOT (UNPRECEDENTEDLY) SIGN JURAT "HE DID SIGN THE "COVER PAGE". HE DID NOT!

Rule 901 + 902 CITED - PRO SE

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BECAUSE OF THE OBVIOUS FRAUDULENT APPEARANCE OF SIGNATURES, THIS COVER PAGE, LIKE THE CASE NO. UNREADABLE AND SCRIBBLED OVER THE STAMP WITH NO TIME STAMP OR SEAL. I SUSPECT FRAUD!

(b) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why:

BARRER BY "MOTION IN LIMINE". WAS TOLD I WOULD HAVE TO WAIT UNTIL 2:25 BY ATTY JILLIAN S. HARRINGTON.

(c) Post-Conviction Proceedings:

(SEE EXHIBIT #1A. [2 PGS.])

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☒ No ☐

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: EMERGENCY / MANDAMUS - CERTIORARI

Name and location of the court where the motion or petition was filed:

U.S. COA 2ND CIR / SUPREME COURT

Docket or case number (if you know): 18-1369 / 20-6580

Date of the court's decision: 8-8-21 / JANUARY 2021

Result (attach a copy of the court's opinion or order, if available):

NOT AVAILABLE

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☒ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☒ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

SUPREME COURT

Docket or case number (if you know): 20-6580

Date of the court's decision: JANUARY 2021

Result (attach a copy of the court's opinion or order, if available):

NOT AVAILABLE

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

N/A

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

No

14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the judgment you are challenging? Yes ☒ No ☐

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

EASTERN DIST OF TEXAS BEAUMONT
CASE NO 1:21-cv-374. CONSPIRACY TO COVER-UP
I FILED A 28 U.S.C. § 2241 (K3) BECAUSE MY LIFE IS BEING
THREATENED AND NO JUDGE OR GRAND JURY FOREPERSON EVER
PUT PW TO PAPER ON THE "CERTIFIED" RECORD OF THIS CASE,
CHARGING DOCUMENTS.

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing:

PRO SE

NEVER HAD ONE

(b) At arraignment and plea:

MARK HOSKEN

(c) At trial:

PRO SE

(d) At sentencing:

PRO SE / MR FOTI

SEE EXHIBIT 1A

(e) On appeal:

PRO SE / Ms. Jillian S. Harrington Esq

(f) In any post-conviction proceeding:

PRO SE

(g) On appeal from any ruling against you in a post-conviction proceeding:

PRO SE

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☒ No ☐

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

N/A

(b) Give the date the other sentence was imposed:

N/A

(c) Give the length of the other sentence:

N/A

(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes ☒ No ☐

N/A

18. TIMELINESS OF MOTION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.*

N/A

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of —

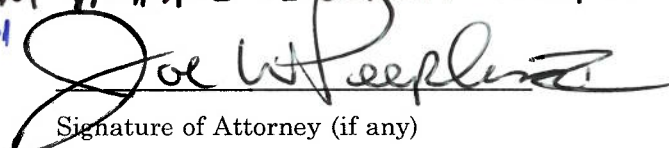
- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

*PLEASE JUST SHOW ME ONE, 902 (RULE 902) SELF-AUTHENTICATING SIGNATURE ON MY ENTIRE CRIMINAL COMPLAINT OR/AND INDICTMENT OF RECORD. I JUST HAVE TYPED PIECES OF PAPER BARTING NO SEALS.

Therefore, movant asks that the Court grant the following relief: **EQUAL RIGHT TO AFFIRMATION BY SIGNATURE ON MY CRIMINAL COMPLAINT BY JUDGE; AND NAME, SIGNATURE OF CITIZEN ELECTED GRAND JURY FOREPERSON ON MY INDICTMENT OF RECORD TO AFFIRM PROCESS OF POLLING. I DEMAND** or any other relief to which movant may be entitled. **THIS COURT TO IMMEDIATELY PRO-**

DUCE MY BODY FOR TRANSPARENT HEARING TO CONSTITUTIONALLY PRODUCE LAWFUL (RULE 902) 901

SELF-AUTHENTICATING SIGNED CRIMINAL COMPLAINT AND INDICTMENT OF CERTIFIED COURT RECORD. IF NONE: IMMEDIATELY RELEASE ME!


Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct

and that this Motion under 28 U.S.C. § 2255 was placed in the prison mailing system on

(month, date, year).

Executed (signed) on Sept 2nd 2021 (date).

EXHIBIT #1 7 PAGES

EXHIBIT #1A 2 PAGES

EXHIBIT #1B 2 PAGES

EXHIBIT #1C 2 PAGES + 2

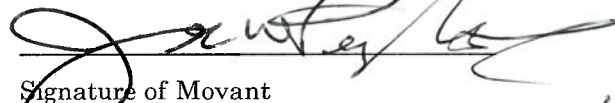

Signature of Movant

EXHIBIT #7D 1 PAGE / LAST #1E 4 PAGES

If the person signing is not movant, state relationship to movant and explain why movant is not signing this motion.



EXHIBIT #1¹
7 pages

JOAN M. WINKELMAN
STATEMENT OF QUALIFICATIONS

BOARD CERTIFIED FORENSIC DOCUMENT EXAMINER status awarded 9/04 following written and oral testing and presentation before Certification Review Board – Independent Association of Questioned Document Examiners

RECERTIFIED 6/20/09 following review of professional activity

BOARD CERTIFIED FORENSIC DOCUMENT EXAMINER status awarded 7/93 as Certified Document Examiner following oral presentation and response to questions before Certification Review Board – World Association of Document Examiners. Status renamed 1999 as Board Certified Forensic Document Examiner

REGISTERED PROFESSIONAL DOCUMENT EXAMINER status awarded 7/86 following graded written testing – World Association of Document Examiners

COURT QUALIFIED designated within World Association of Document Examiners 1993

PROFICIENCY TESTING: as an independent document examiner I participate in proficiency testing through Collaborative Testing Services Inc. (providing worldwide interlaboratory testing programs www.collaborativetesting.com) 2004 -- (annually).

MEMBER: National Association of Document Examiners (NADE) 1986 --
Independent Association of Questioned Document Examiners (IAQDE) 2002 to 10/31/10
(Pre-membership testing 2002)
World Association of Document Examiners (WADE) 1986 to 1/16/03
ASTM International (formerly American Soc for Testing and Materials) 2008 --

OFFICES HELD: Appointed Librarian and serving as member of Board of Directors, NADE 10/88 --
Elected Secretary and served as member of the Executive Board,
IAQDE 8/05, re-elected 6/07 -- re-elected 6/09
Appointed Newsletter Editor, IAQDE 6/07 -- 8/08
Appointed Publication Editor, IAQDE 8/08 -- 10/10
Joined Journal Editorial Board, NADE 7/10 -- 8/19
Appointed Chief Editor Newsletter, NADE 4/11 --

ACTIVITIES: Member: Certification Board and Testing Proctor, IAQDE 2006 -- 2010

PAPERS PUBLISHED: NADE 11/89 Journal "Signatures In Succeeding Series"
NADE 8/92 Journal "Envelopes: Gum Strip Differences"
WADE 7/94 Exchange "'Electron' Microscope for Lee-Tekees"
WADE 4/98 Exchange "A New Method to Detect Erasures"
WADE 10/98 Exchange "Watermarks Are Trademarks"
IAQDE 2-3/09 Under the Scope "Signatures In A Series -- A Test"

As Editor IAQDE articles re: Document examiner website set-up, search engine placement, office computer security and maintenance 6/07 -- articles re: locating references on various handwriting case topics 1/09 -- 10/10

PAPERS PRESENTED: WADE Spring Seminar, Warwick, Rhode Island 2/90
"Determining Ball Point Pen Direction"
WADE Annual Seminar, Oak Brook, Illinois 7/01
"Seeing Is Believing -- Convincing Demonstrative Exhibits"
IAQDE Annual Seminar, St. Louis, MO 9/03
"Social Security Cards -- from the beginning"

PAPERS PRESENTED -cont'd

IAQDE Annual Seminar, Arlington, VA 8/06
"All About the Date – Metal Date Stamp Impressions"
IAQDE Annual Seminar, Albuquerque, NM 6/07
"I Need Information, Where Do I Find It, Where Do I Begin
(Nourishing Professional Library)"
IAQDE Annual Seminar, Sarasota, Florida 6/09
"Promoting Your Business"
IAQDE Annual Seminar, Boston, MA 6/10
"How Can Those Resting Dots Help You?"

COURT AND HEARING TESTIMONY: as an independent document examiner I have testified in Supreme Court in Cattaraugus, Erie and Monroe County, Erie County Court, Livingston County Court, Surrogates Court in Erie and Steuben Co., Buffalo City Court, Niagara Falls City Court, Town Courts of Amherst, Clarence, Newstead, Tonawanda, US Bankruptcy Court, US Immigration Court.
(List available on request.)

DOCUMENT EXAMINATION RELATED TRAINING GIVEN:

2/96 Marine Midland Item Processing and Security staff, approximately 40 staff members, 2 sessions 4 hours each
3/99 Marine Midland/HSBC Item Processing staff, approximately 30 staff members, 1 session 2 hours
11/02 HSBC Item Processing and Security staff, approximately 25 staff members, 1 session 1 ½ hours

BUSINESS: in 1984 filed business certificate establishing business as handwriting consultant.
In 1986 added service as independent document examiner.

EMPLOYMENT: Erie Co. Dept. of Social Services 4/26/61-3/15/05; assigned to Resource Section, Special Investigations Division.

Duties included document examination work in fraud investigation cases involving signature and form comparison, anonymous letter authorship - 1993 to 2005

EDUCATION - INTENSIVE DOCUMENT EXAMINATION TRAINING:

40 hours **NADE Apprentice Course**, Philadelphia, Pa., Phyllis Cook, CDE 7/86
70+ hours **Department of the Treasury, U. S. Secret Service** Questioned Document Course, Glynco, Ga. 3/92
26 hours **Rochester Institute of Technology and U. S. Secret Service** Printing Process Identification and Image Analysis for Forensic Document Examiners, 6/03
32+ hours **Foray Technologies** and Town of Hamburg Police Depart Introduction to Forensic Digital Imaging, Hilbert College, Hamburg, NY 8/04
35 hours workshops including digital imaging, microscopy, measurement
823 1/2 hours attendance at **training seminars, annual seminars, additional training** 7/86 to current sponsored by World Association of Document Examiners, National Association of Document Examiners, Independent Association of Questioned Document Examiners
(7 months) Andrew Bradley Training Course in Forensic Document Examination 20 lessons 20 testings and final exam 8/87 -- 3/88
219 1/2 hours other school courses and training (List available on request.)

Independent study and empirical research as needed (List of professional library available on request.)

8/25/19

Please do not designate me as your expert until fee contract agreement has been signed and retainer fee has been received by me.

6

AFFIDAVIT OF
JOAN M. WINKELMAN

State of New York:

SS:

County of Erie:

JOAN M. WINKELMAN being duly sworn, deposes and says:

1. I am a board certified forensic document examiner. A true and complete copy of my statement of qualifications is annexed hereto as **Exhibit A**.
2. Included therein is a list of court proceedings and other hearings in which I have testified as a forensic document examiner (independent from my former role as an employee of the Erie County Department of Social Services). In each instance where the word "qualified" appears, I was permitted to testify and, to the best of my knowledge, testimony was admitted into evidence.
3. Approximately 85% of my work as a forensic document examiner involves the authenticity of handwriting, including but not limited to signatures.
4. **ASSIGNMENT:** In this matter I have been requested by Joe Wallace Peebles III Fed ID#40425-048 to determine, if possible, which came first – the stamp/imprint in upper right of document I have captioned as Q-1 or the Case No.

In addition Mr. Peebles requested I determine, if possible, which came first – the two signatures or the printed, horizontal signature lines on the document I have captioned as Q-1. I have captioned document DM-1 Standard Available for Comparison. Documents were received on 7/19/21.

5. QUESTIONED DOCUMENT:

Q-1 US District Court for the Western District of New York USA v. Joseph W. Peebles, III Defendant, Criminal Complaint, complainant's signature Seth Fleitman, S. A. FBI and Judge's signature Honorable Jonathan W. Feldman, dated Jan. 6, 2017. Document received has a US District Court filed Jan 06, 2017 "stamp"/imprint, and at very top digital header Case #, Document 1, filed date, page 1 of 7. Document accepted as copy of unknown generation from scanned document.

- - FOR COMPARISON:

DM-1 US District Court for the Western District of New York USA v. Dylan Miller, Defendant, Criminal Complaint, complainant's signature Seth Fleitman, S. A. FBI and Judge's signature Honorable Jonathan W. Feldman, dated Jan. 12, 2018. Document received has a US District Court filed Jan 12, 2018 "stamp"/imprint. Top left hand printed Exibt "A" pg 1 of 2. Document accepted as copy of unknown generation from scanned document.

6. OPINION STATEMENT:

It is my opinion, as a handwriting and document examiner, rendered upon reasonable professional certainty, that **no determination could be reached** regarding the signatures referring to signature Seth Fleitman, S. A. FBI and signature Honorable Jonathan W. Feldman, and assignment to determine, if possible, if the signatures were placed on the document before or after printed horizontal signature lines. Refer to Point 7 for Basis of Opinion.

3

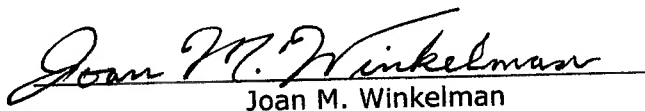
Further, it is my opinion that no determination could be reached regarding the Case No. and assignment to determine, if possible, whether the date stamp/imprint was placed on the document before or after the handwritten portion of the Case No.

7. Annexed hereto as **Exhibit B** is the **basis of my opinion** as stated in Point 6.

8. Annexed hereto as **Exhibit C** are exhibits which I have prepared. The first sheet is a list of contents of the exhibit, I have prepared, of portions of signatures from the documents captioned above as Questioned Document Q-1 and Standard Available for Comparison DM-1. Most of the items contained in Exhibit C are snap shot images of microscope views.

9. **Comment:** Should the original document containing ink signatures, or a version of the document before 'fax', become available, please contact me or other document examiner to work on this assignment. NOTE: Document DM-1 does not have the fax header appearing on Q-1.

Further, should you consider an assignment to determine authenticity of the judge's signature, in addition to obtaining a version of the document before 'fax' version, a document examiner would need sufficient documents for comparison containing the judge's signature in the approximate time period of 2016 - 2019.


Joan M. Winkelman

STATE OF NEW YORK:

SS:

COUNTY OF ERIE:

Sworn to before me this

9th day of August 2021



ANITA E. COVELL
Notary Public, State of New York
Qualified in Niagara County
Reg. No. 01CO6325938
My Commission Expires June 8, 2023

United States District Court

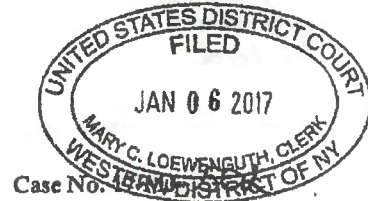
for the
Western District of New York

United States of America

v.

JOSEPH W. PEEPLES, III

Defendant



Case No. _____

CRIMINAL COMPLAINT

I, SETH FLEITMAN, FBI, the complainant in this case, state that the following is true to the best of my knowledge and belief.

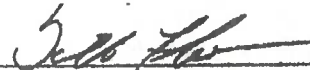
On or about the date of January 5, 2107, in the County of Monroe, in the Western District of New York, the defendant violated 18 U.S.C. § 2113(a), an offense described as follows:

did knowingly, willfully, and unlawfully, by intimidation, take from the person and presence of another, money belonging to and in the care, custody, control, management, and possession of Chase Bank, 1 South Clinton Avenue, Rochester, New York, a bank whose deposits were then insured by the Federal Deposit Insurance Corporation.

SEE ATTACHED AFFIDAVIT OF SETH FLEITMAN, S.A., FBI.

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.



Complainant's signature

SETH FLEITMAN, S.A. FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: January 6, 2017



Judge's signature

HONORABLE JONATHAN W. FELDMAN
UNITED STATES MAGISTRATE JUDGE
Printed name and title

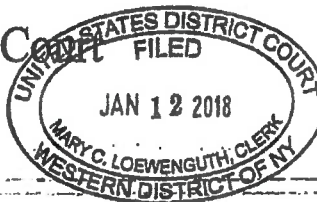
City and State: Rochester, New York

AO 91 (Rev. 02/09) Criminal Complaint

Exhibit A
PG 1 of 2

United States District Court

for the
Western District of New York



United States of America

v.

DYLAN MILLER,

Defendant

18-MJ-505

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about September 14, 2017, & September 23, 2017 in the county of Monroe in the Western District of New York, the defendant violated 18 U.S.C. §§ 1951(a), 924(c)(1)(A)(ii), offenses described as follows:

On or about September 14, 2017, and September 23, 2017, in the City of Rochester, County of Monroe, Western District of New York, the defendant violated Title 18, United States Code, Section 1951(a) (Interference with Commerce by Threats or Violence), and Title 18, United States Code, Sections 924(c)(1)(A)(ii) (Brandishing a Firearm during a Crime of Violence).

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☐ Continued on the attached sheet.

4th + 14th AMEND
PLAIN ERROR
FRCP Rule 3

WHITE MAN'S AFFIDAVIT SAME COURT,
SAME JUDGE, SAME FBI BUT; EXCEPT
BOTH HIS AFFIDAVIT + THIS PAGED REALLY SIGNED

[Signature]

Complainant's signature

SETH FLRITMAN, Special Agent
Federal Bureau of Investigation

Printed name and title

COMPARE HIS AND MINE AA

Sworn to before me and signed in my presence.

Date: January 12, 2018

City and State: Rochester, New York

[Signature]

Judge's signature

Hon. Jonathan W. Feldman, U.S. Magistrate Judge

Printed name and title

#1

Image 49
Q-1

HARD TO
DETERMINE →
ON THIS
ONE



Image 50
Q-1

OBVIOUS
TO
SEE →
TYPING
OVER
SIGNATURE

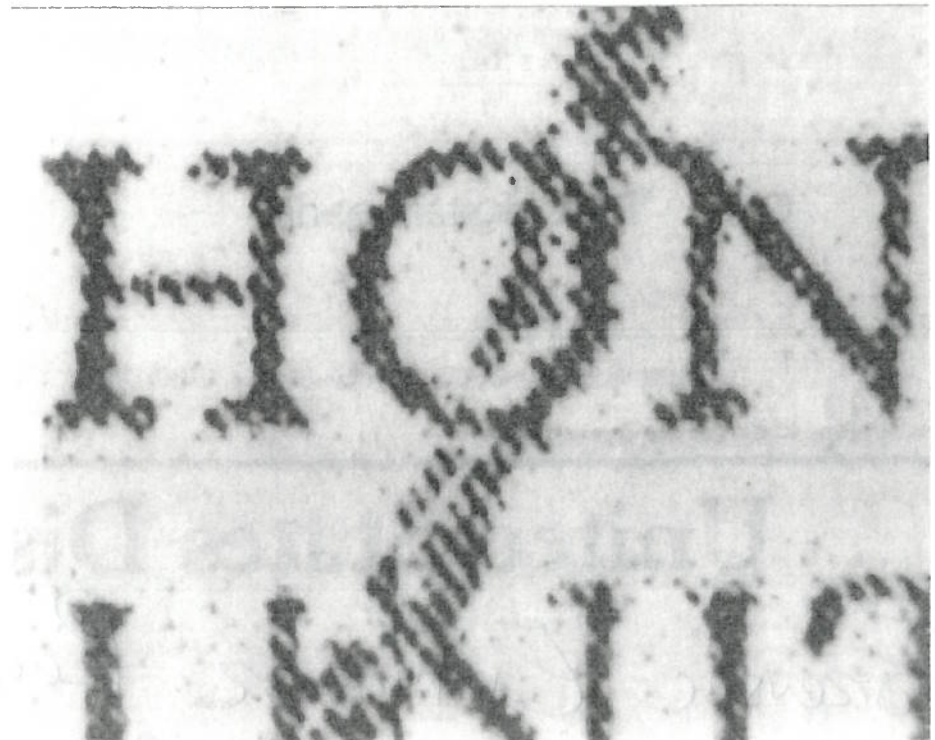
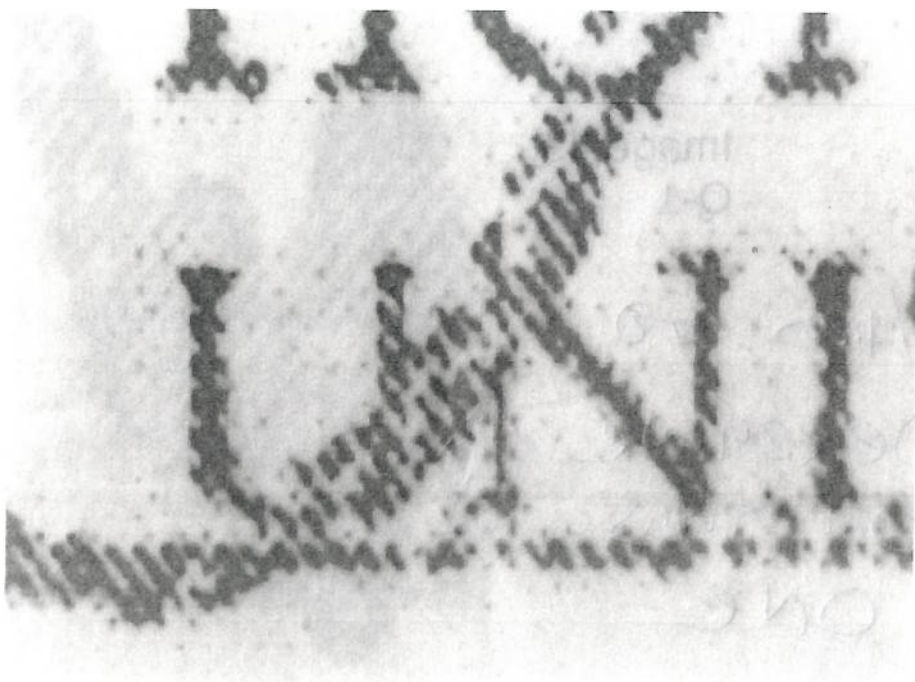


Image 51
Q-1

Looks Like
Typing over
Signature



Q-1 'FAX' digital header

Case 6:17-cr-06032-FPG-JVF Document 1 Filed 01/06/17 Page 1 of 7

AO 91 (Rev. 02/09) Criminal Complaint

United States District Court

Forensic Examiner Request

CERTIFIED ORIGINAL Copy (Rule 902) 901

TO FACTUALLY VERIFY FRAUD By THIS
Court,

→
over

In comparing documents I captioned Q-1 with DM-1, I identified differences but no opinion regarding authenticity can be reached at this time. More material would be needed including an earlier generation of Q-1, and sufficient known signatures of Judge Feldman in time period of Q-1 and DM-1 to determine range of variability of known signatures.

Word used in description:

patch = pen was raised off paper and then very carefully replaced back on writing line. This may appear as a broadening of the writing line and then a narrower writing line seeming to continue on. This may appear to a side of a letter. This when carelessly done may be genuine, the result of making a stroke error look correct. By its nature repeated careful patching is not likely genuine.

Depending on the ink in the pen used to execute signature and/or the type of pen 'point', the signature stroke line could be affected by traveling across the printed horizontal signature line. The handwriting stroke moving across the printed line would skip putting down ink for a very short distance and then begin again. Such a break would unlikely be noticed by the writer. Depending on the pen, the point of pen may discharge a bit of ink to side of stroke after passing over the printed signature line.

CHART - 2 pages follow - Page 7 & 8

I prepared CHART to provide another way to view comparison of signature strokes v horizontal signature line.

/j m winkelman

IT WAS ALSO DETERMINED
BY FORENSIC EXAMINER THAT THERE
WAS PATCHING RAISING AND LOWERING
OF THE PEN IS LIKELY NOT
GENUINE. ALONE IS ENOUGH TO
WARRANT FURTHER INVESTIGATION AND
OBTAIN ORIGINAL DOCUMENTS

even same brand different models could affect the handshake. While content of sending document is there in received document, such detail as signatures are not exactly the same in receiving document.

= = =

ADDITIONAL OBSERVATION

Comparing Judge Feldman signature in Q-1 with DM-1

PATCH

'J' upper loop in area just under SETH - there is a short stroke that is just below 'E' - if it is a beginning stroke for portion of 'J' loop moving up through SE - the 'J' in DM-1 does not have such a stroke. If the 'J' short stroke is part of a patch stroke, the other end of the patch might be stroke just under 'typed' 'E' and the printed horizontal line - curved diagonal stroke appears slightly broader than the stroke just above the printed horizontal line.

PATCH indicated

In the tall stroke that represents 'capital' of last name in Q-1 Feldman in area where stroke reaches above into N and S of typed Fleitman, S A - indication of a patch occurs where stroke moves from 'N' and reaches top of 'S' - that stroke is broad - at what appears just under that 'S' top stroke the stroke representing 'capital' appears to narrow and move just beyond 'S' and then moves again as a broad stroke. The stroke representing 'capital' of last name in DM-1 does not have such a thinning occurrence.

In Q-1 [using protractor w/90 ° center] the 'J' upper loop leans toward left - 70 ° (left of center)
- the 'J' in DM-1 upper loop is vertical - 94 ° (right of center)

In DM-1 the lower case letters representing Jonathan final stroke is an upstroke
In Q-1 the lower case letters representing Jonathan final stroke is a downstroke

In DM-1 the letters representing Feldman include 2 lower points and one upper.
In Q-1 the letter representing Feldman includes one upper point

In DM-1 the saw tooth group begins with a downstroke
In Q-1 the brief saw tooth (one) begins with an upstroke

In DM-1 the horizontal stroke out to right curves up slightly
In Q-1 the horizontal stroke curves down

In DM-1 the large cone stroke ends where the final backstroke moves
In Q-1 the large cone stroke descends to where final backstroke moves
then moves left to saw tooth

In DM-1 the final stroke from saw tooth and curved up horizontal moves to left,
crosses 2 saw teeth with blunt end
In Q-1 the final stroke from saw tooth and curved down horizontal moves to left,
stopping mid way with tapered end

In DM-1 middle initial 'W' is raised up from printed horizontal signature line
In Q-1 middle initial 'W' is barely raised up from printed horizontal signature line

In Q-1 the upper portion of stroke representing 'cap F' at top stroke intercepts 'typed' 'N' of Fleitman - stroke rises to top curving to right, to top of 'S' - there is a penlift / stroke begins again just below top of 'typed' capital S moving downward
in DM-1 the upper portion stroke representing 'cap F' contains no penlift /patch

'J' lower loop crossing through 'N' of 'UNITED', and horizontal signature line - digital microscope indicates 'J' on top of 'U' and horizontal signature line, BUT at 'N' first leg 'J' is on top - then on 'N' diagonal line 'N' is on top of 'J'. 2 programs indicate 'J' is on top.

= = =

CONCLUSION

Having used 3 ways to view the Q-1 document to determine what is on top - the signatures - or signature lines, there is insufficient agreement. The digital microscope set in the low power range about 10x+ would be my primary method. But the microscope has indicated pen stroke on top and another pen stroke under within same 'N' in 'UNITED'. Also as stated "Digital microscope and 2 programs agree regarding the 'J' crossover of upper loop on top of lower loop
= = that is not the way the 'school form' of 'J' was taught."

Document I have captioned as Q-1

US District Court for the Western District of New York
USA v. Joseph W. Peeples, III Defendant, Criminal
Complaint, complainant's signature Seth Fleitman, S. A. FBI
Judge's signature Honorable Jonathan W. Feldman dated Jan. 6, 2017
Document received has a US District Court filed Jan 06, 2017
'stamp'/imprint

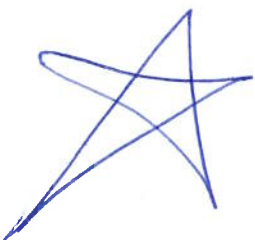
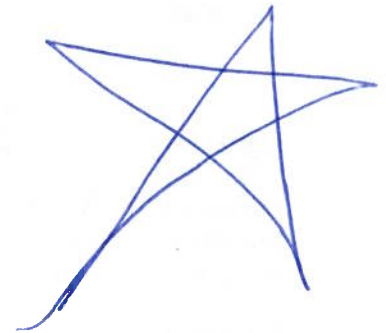
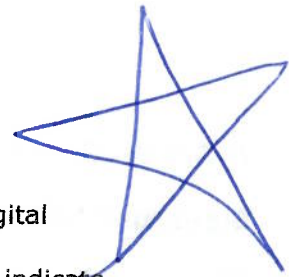
At the very top of the sheet is a digital header line indicating a **fax** transmission was part of the document's history whether from a fax machine, computer directly, or through printer, scanner, copier machine. The version of Q-1 I received is a copy of unknown generation. The actual ink signed document was not available.

My opinion, in this assignment, is no determination can be reached regarding the signatures v printed horizontal signature lines.

The case number handwritten did appear to have been written on top of the date stamp imprint.

Explanation of terms used:

"FAX" digital header refers to the small print line usually placed at very top of a page indicating the document has been faxed. The 'header' is inserted by the device transmitting the document which initially was a fax machine. The devices that could transmit documents have evolved to a list such as photocopier (with a telephone line attached), printer machine (with phone line), scanner (with phone line), desk top computer (with phone line). Wi-Fi may have replaced the phone line. The initial header in 'stand alone' fax machines inserted the digital header in each page, usually at top of page, possibly at the bottom beyond the first page. The content of information has evolved in that header. The process of inserting space for the header line(s) in the document being transmitted meant the actual document transmitted was reduced from 100% to allow for the document content and the header information to fit. Initially fax sending machine had to 'shake hands' with receiving machine. That process alone could affect the document as received not being just like the document being sent. One brand to another,



Signature 'Jonathan W. Feldman'

'J' upper loop stroke crosses 'E' of 'SETH' and horizontal line just under 'E' of 'SETH'
At the 'E' - **visual 'J' on top** [in LO] and [in PDN and CDM]

'J' upper loop stroke crosses horizontal line just under 'E' of 'SETH'
CDM no 'J' ink is present just where pen crosses printed horizontal line
LO D printed horizontal line on top of 'J' stroke PDN 'J' stroke on top of printed horizontal signature line

'J' upper loop furthest left stroke crosses path of stroke coming up from lower loop -
this is a crossover CDM upper loop stroke on top LO D and PDN agree

'J' initial stroke at 'sawteeth' (IMAGE 47) CDM 'J' strokes on top of horizontal printed signature line LO D and PDN 'J' strokes under horizontal signature line

Series of first shorter 'sawteeth' lower case letters representing 'ona' crossing through horizontal signature line - CDM handwriting stroke on top of horizontal line
LO D and PDN agree

Second slightly taller set lower case letters representing 'than' CDM LO D and PDN agree handwriting on top of horizontal line

'J' lower loop crossing through 'O' of 'Honorable' CDM and PDN 'J' stroke on top of 'O',
LO D 'O' on top of 'J'

'J' lower loop crossing through 'N' of 'UNITED', 'U', and horizontal signature line
'J' on top LO D and PDN. CDM indicates 'J' on top of 'U' and horizontal signature line
At 'N' downstroke - first leg 'J' is on top, BUT on 'N' diagonal line 'N' is on top
- as I see what was indicated

SUMMARY Feldman

The upper loop stroke 'J' appears to cross horizontal line just under printed 'E' of 'SETH'
The digital microscope shows no ink where stroke crossed printed horizontal line so it can not be determined. The other 2 programs disagree if stroke is on top of horizontal signature line.

Digital microscope and 2 programs agree regarding the 'J' crossover of upper loop on top of lower loop == that is not the way the 'school form' of 'J' was taught.

'J' initial stroke at 'sawteeth' - digital microscope indicates 'J' stroke on top of horizontal signature line. The 2 computer programs disagree indicating horizontal line on top of 'J'.

Series of first shorter 'sawteeth' lower case letters - digital microscope indicates handwriting stroke on top of horizontal signature line, the two programs agree.

Second slightly taller set 'sawteeth' lower case letters representing 'than' agree handwriting on top of horizontal signature line.

'J' lower loop crossing through 'O' of 'Honorable' Digital microscope and PDN program show 'J' stroke on top of 'O' LO D shows 'O' on top of 'J'.

Q-1 C. LOEWENGUTH.
WESTLAND DISTRICT
NO. 1944

Q-1 Case No. Traced in color - green

However There Was No Doubt
THAT THE CASE NUMBER WAS
CHICKEN SCRATCHED BY HAND IN
INK over STAMP.

NO CLERK ON THE EARTH
WOULD DO THAT. IT'S AN
INCLINATION TO FRAUD. THAT
Alone,

over

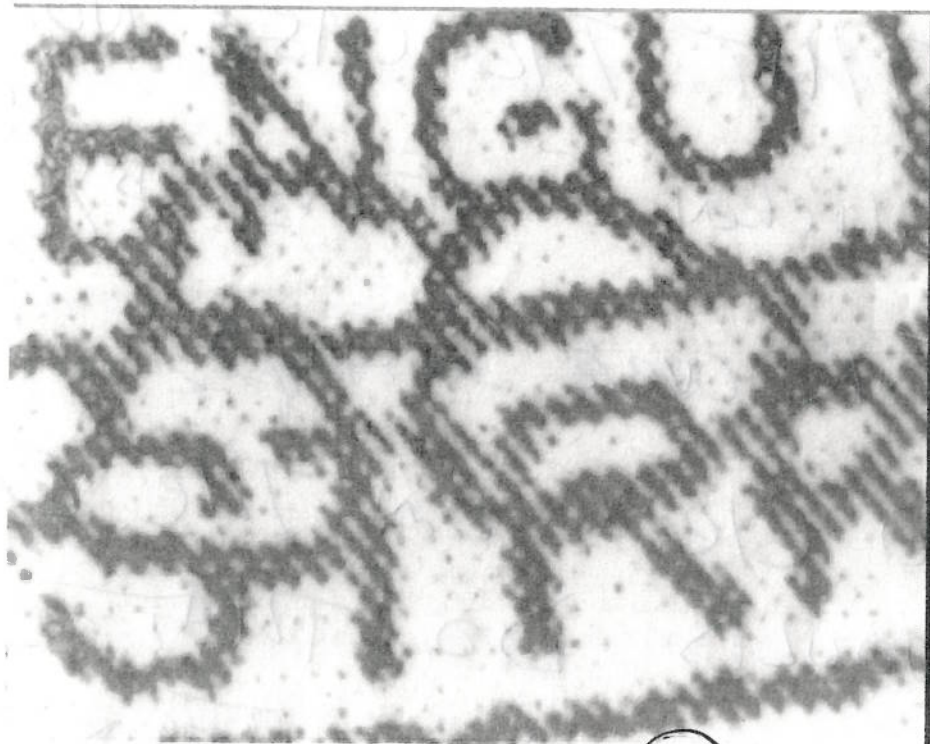
Image 39
Q-1

NO
CLERK
IN
THE



Image 40
Q-1

WOULD
WOULD
SCRATCH
A
CASE #
OVER



A STAMP
IT'S UNREADABLE

(1)

JILLIAN S. HARRINGTON, ESQ.
ATTORNEY AT LAW

Please Send Correspondence To:
P.O. Box 6006
Monroe, New Jersey 08831

Tel: (718) 490-3235
Email: JBHESQ@AOL.COM

P.O. Box 131621
Staten Island, New York 10313

July 14, 2020

LEGAL MAIL - TO BE OPENED
IN THE PRESENCE OF INMATE

Mr. Joseph W. Peeples III
Reg. No. 40425-048
USP Pollock
U.S. Penitentiary
P.O. Box 2099
Pollock, Louisiana 71467

EXIBIT A.
2 pages

Dear Joe:

I hope that this letter finds you well. I am writing in response to your most recent letter that I received today. In the letter, you detail the arguments that you would like to be presented in a petition for certiorari to the United States Supreme Court, including an argument regarding what you believe to be fraud and a cover-up with regard to the signature on the cover of the search warrant and lack of signature on the agent's affidavit included with the warrant. You also demand that I find a handwriting expert to expose the alleged fraud. You ended your letter with an ultimatum that if I am not willing to make the arguments that you demand be made and hire an expert, that you do not want me to file the certiorari petition.

As I have written in other letters and discussed with you during our telephone conversations, I am unable to raise issues in the certiorari petition that were not raised on direct appeal. And, we were unable to raise any issues on direct appeal that would require the presentation of any additional evidence. Only issues that have evidence in the record (transcripts, motions, district court's decisions, etc.) can be raised on direct appeal. No new or additional evidence can be presented on direct appeal or in a petition requesting certiorari. Any report or affidavit from a handwriting expert or anyone else would be considered additional, new evidence and thus could not be included in a direct appeal or in a certiorari petition.

Although I understand your frustration, there simply is no way around that. Those are the rules and I must abide by them. My inability to present the issue or obtain

2

JILLIAN S. HARRINGTON, ESQ.

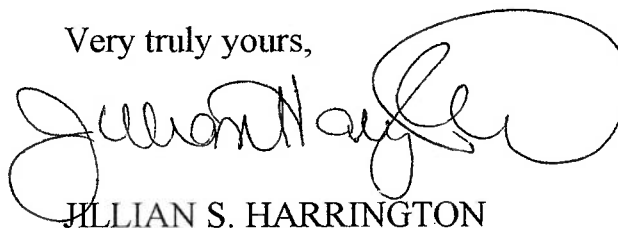
new evidence is not a comment on the merits of the issues, nor is it a sign that I am not willing to work hard to help you. It is simply a fact that, because of the rules, I cannot present any new evidence for you. I raised the issue on direct appeal to the best of my ability. If you want to present new evidence, you would have to do so in 28 U.S.C. §2255 petition which would be filed in the district court.

If you would like to continue with these arguments and hire an expert to make a report for you, unfortunately I cannot make them for you in a certiorari petition. If you want, I can make a motion to the Second Circuit Court of Appeals to withdraw as your attorney which would leave you free to pursue whatever issues you want. I am not abandoning you. I would just withdraw to open the door for you to do whatever you want.

Please let me know as soon as possible because the time on the clock to submit the certiorari petition is ticking and will expire in mid-September.

Stay well and please write to me as soon as possible with your decision as to whether you would like me to move forward with filing a petition for certiorari.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jillian Harrington", enclosed within a large, loopy circular flourish.

JILLIAN S. HARRINGTON

THAT WORD
MEANS ★
SOMETHING

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

EXHIBIT #1 B 2 pgs

STATE OF NEW YORK)
COUNTY OF MONROE)
CITY OF ROCHESTER)

SS:

SWORN TO
NO ONE

I, Seth Fleitman, being duly sworn, do depose and say:

INTRODUCTION

★
UNPRECEDENTED

1. I am a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI"), and have been employed in that capacity for approximately 4 1/2 years. I am currently assigned to the FBI's Buffalo Division Rochester Resident Agency, Rochester Area Major Crimes Task Force. During the course of my employment with the FBI, I have received specialized training in, and have participated in, criminal investigations involving violations of bank fraud, wire fraud, mail fraud, bank robberies, Hobbs Act, violent crimes, identity theft, federal health care laws and other crimes.

2. I make this affidavit in support of a criminal complaint charging the defendant, JOSEPH W. PEEPLES, III, in violation of Title 18 U.S.C. § 2113(a), bank robbery. The assertions made herein are based solely upon the personal knowledge of your affiant or upon information I have received from this investigation, including interviews I have personally conducted with the witnesses and review of various police reports produced in relation to this investigation. Since this affidavit is being submitted for the limited purpose, I have not included each and every fact that I know concerning this investigation. Rather, I have set forth only those facts that relate to the issue of whether probable cause exists to believe that

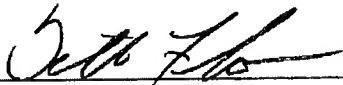
4TH AMEND: HAS TO BE SIGNED 4 WARRANT

aforementioned bank robbery, PEEPLES was read his Miranda rights and agreed to waive them in order to speak with investigators. During the interview, PEEPLES made several admissions regarding the events that had transpired. PEEPLES admitted to robbing a bank in Rochester and accidentally leaving about \$10,000 in his jacket in the cab. PEEPLES admitted to putting cash in the trash at the Trailways bus station bathroom. PEEPLES also mentioned there was approximately \$50,000 in his hotel room at the Grand Royale in Binghamton, hidden in the microwave, hidden in a shoe box, and in a plastic bag on top of the safe.

CONCLUSION

12. Based upon the above, your affiant submits there is probably cause to believe that on January 5, 2017, in the Western District of New York, the defendant, JOSEPH W. PEEPLES, III, did commit a violation of Title 18, United States Code, Section 2113(a) (bank robbery).

NEVER HAPPENED
ON ANY COURT RECORD


Seth Fleitman
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me
this ____ day of January, 2017.

HON. JONATHAN W. FELDMAN
United States Magistrate Judge
Western District of New York

SWORN TO
NO ONE!
UNPRECEDENTED
4TH AMEND

14TH AMEND = EQUAL CANT HAPPEN!

①
Lie: Its
ON
CAMERA

EXHIBIT / C. 2PGS+2
IN THE DISTRICT COURT OF THE UNITED STATES

for the Western District of New York

OCTOBER 2016 GRAND JURY
(Impaneled October 28, 2016)

THE UNITED STATES OF AMERICA INDICTMENT

-vs-

JOSEPH W. PEEPLES, III

Violations:
Title 18, United States Code,
Sections 2113(a) and 2113(b)
(3 Counts)

COUNT 1

(Bank Robbery)

The Grand Jury Charges That:

On or about January 5, 2017, in the Western District of New York, the defendant, JOSEPH W. PEEPLES, III, by force and violence, and by intimidation, did take from the person and presence of another, money, namely, approximately \$109,500 in United States currency, belonging to and in the care, custody, control, management, and possession of Chase Bank, 1 South Clinton Avenue, Rochester, New York, the deposits of which were then insured by the Federal Deposit Insurance Corporation.

All in violation of Title 18, United States Code, Section 2113(a).

DATED: Rochester, New York, February 23, 2017.

JAMES P. KENNEDY, JR.
Acting United States Attorney

BY: s/Melissa M. Marangola
MELISSA M. MARANGOLA
Assistant U.S. Attorney
United States Attorney's Office
Western District of New York
500 Federal Building
100 State Street
Rochester, New York 14614
585/399-3925
Melissa.Marangola@usdoj.gov

A TRUE BILL:

s/Foreperson
FOREPERSON

Just A Typed Piece of
Paper No Name Sig, or Seal (902)
CANNOT Be A True Bill. Please
Supena Grand Jury Foreperson Ask
Under OATH What He Signed AND
Where is IT?

NO ATTESTMENT OF G.J.F. ON ENTIRE RECORD!

ANDREW JASIE

Grand Jury Impaneled October 28, 2016

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- vs -

FILE NO. 2017R00014

JOSEPH PEEPLES

Proceedings held before the United States Grand Jury
in the United States Courthouse, 100 State Street, Rochester,
New York on February 23, 2017 commencing at 11:16 a.m.

APPEARANCES:

JAMES P. KENNEDY, JR.,
Acting United States Attorney
BY: **MELISSA MARANGOLA**
Assistant United States Attorney
100 State Street
Rochester, New York 14614.

PRESENT:

HEATHER CALABRESE,
Grand Jury Court Reporter.

*Supena Foreperson Please AND ASK HIM WHAT
DID HE SIGN AND WHERE IS IT?*

DePAOLO-CROSBY REPORTING SERVICES, INC.


170 Franklin Street, Suite 601, Buffalo, New York 14202

716-853-5544

*NOT PRESENT! OR
NO APPEARANCE BY
GRAND JURY FOREPERSON
NO NAME, NO SIGNATURE,
NO SEALS, JUST ANONYMOUS
TYPING. NOT THERE! BASED
ON CERTIFIED RECORD.*

C E R T I F I C A T I O N

THIS IS TO CERTIFY, that I, HEATHER CALABRESE,
having attended a session of the Federal Grand Jury, as Grand
Jury Stenographer, on Thursday, February 23rd, 2017, reported
the proceedings contained in the foregoing 8 pages at the time
and place set forth in the heading in the foregoing matter,
that the transcript is a true and accurate transcription of my
stenographic notes, to the best of my ability.



HEATHER CALABRESE,

Grand Jury Court Reporter.

US COA
2ND CIRCUIT

EXIST #1

Accordingly, Peeples failed to demonstrate that the Government's violation of Rule 5(c)(2) had any prejudicial effect whatsoever on the criminal case against him.

II. The Magistrate Judge's Signature of the Criminal Complaint Under Federal Rule of Criminal Procedure 3

Peeples correctly notes that Magistrate Judge Jonathan Feldman of the Western District did not sign the *jurat* on the last page of the affidavit submitted by Special Agent Seth Fleitman of the FBI. Judge Feldman did sign, however, the *jurat* on the face of the criminal complaint against Peeples, to which the affidavit was attached. Peeples argues that the magistrate judge's failure to sign the affidavit rendered the complaint invalid under Rule 3 of the Federal Rules of Criminal Procedure and that, as result, the District Court erred in declining to dismiss the complaint. In the circumstances presented here, we see no error in the District Court's decision to not dismiss the complaint.

Rule 3 provides in relevant part that a criminal complaint is "a written statement of the essential facts constituting the offense[s] charged," which "must be made under oath before a magistrate judge or, if none is reasonably available, before a state or local judicial officer." By failing to sign the *jurat* on the last page of the affidavit, Peeples argues, the magistrate judge failed to attest that the assertions made in the affidavit were made under oath. The argument carries little weight in light of the facts presented here.

THE ONLY REASON FRCP 3/4 AMENDMENT WAS AFFIRMED IS THE U.S. COA WAS DUPED INTO BELIEVING JUDGE FELDMAN SIGNED THE COVER PAGE

Exhibit #1 E 4 pages + 1

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Street, Apt. No.; or PO Box No. 38 HAWLEY ST
City, State, ZIP+4 BINGHAMTON NY 13901

See Peoples 70425-648

Form 3800, August 2006 See Reverse for Instructions

May 6th, 2019

Mr Joe W. Peeples II
Fed # 40425-048
U.S.P. Big Sandy
PO Box 2068
INEZ KY 41224

BINGHAMTON Police Dept
JAIL CLERK
38 HAWLEY ST
BINGHAMTON NY 13901

SUBJECT: FREEDOM OF INFORMATION REQUEST

DEAR CLERK:

THIS IS A LEGAL REQUEST UNDER 5 U.S.C
SECTION 552A THE PRIVACY ACT OF 1974.

I AM REQUESTING COPIES OF ALL RECORDS THAT YOUR POLICE DEPARTMENT AND LOCK-UP MAINTAINS ABOUT ME. TO HELP YOU LOCATE THESE RECORDS THE FOLLOWING INFO MAY BE NEEDED.

A. ON JANUARY 5th, 2017 APPROX 9:56pm I WAS BOOKED INTO YOUR JAIL BY FBI AGENT JOHN BOKAL AND INVESTIGATOR PATRICK SKINNER

B. I WAS QUESTIONED, FINGER PRINTED, STRIPPED, AND PLACED IN A CELLBLOCK WITH OTHER SLEEPING INMATES.

C. AT APPROX 10:10 AM ON JANUARY 6th, 2017 CUSTODY OF MY BODY WAS TRANSFERRED TO FBI AGENT CHRISTOPHER FIORITO FOR TRANSPORT BACK TO ROCHESTER NY.

BOOKING
+
RELEASE
DOCUMENTS
I AM HUMBLLY REQUESTING "ALL DOCUMENTS" ABOUT ME IN YOUR DIRECT CUSTODY AT BINGHAMTON PD LOCK-UP ON JANUARY 5th + 6th, 2017. MOST IMPORTANT ARE THE "BOOKING DOCUMENTS" AND THE "RELEASE DOCUMENTS".

WE UNDERSTAND CLEARLY BY INVESTIGATOR SKINNERS REPORT # 7342057 THAT FBI AGENT WAS IN CUSTODY AND CONTROL OF MY BODY AGAINST MY WILL AND FBI AGENT BOKAL BOOKED ME INTO YOUR LOCK-UP. WHAT NEEDS TO BE CLEARED UP IS THAT FBI AGENT FIORITO, DID NOT JUST WALK INTO YOUR LOCK-UP AND TAKE POSSESSION OF MY BODY AGAINST MY WILL WITHOUT ANY PAPER-WORK, OR FBI BOKAL PRESENT NO TAIL. IN AMERICA WOULD DO THAT!

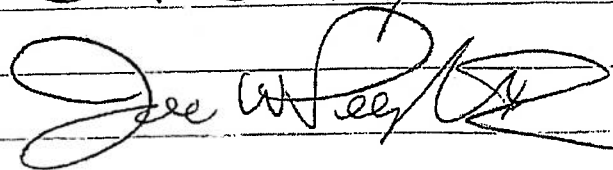
SO PLEASE CONSIDER THAT THIS
LAWFUL REQUEST IS MADE UNDER
THE FOI ACT. PLEASE PROVIDE
ANY ADDITIONAL INFORMATION THAT
MAY BE AVAILABLE ABOUT ME.

I AM INDIGENT CERTIFIED BY U.S. DIST
COURT ROCHESTER NY AND THE 2ND CIR
COURT OF APPEALS IN NYC. SO IF
YOUR AGENCY REQUIRES ANY FEE FOR
THESE DOCUMENTS PLEASE INFORM ME
BY LETTER SO THAT I MAY SUBMIT
THE PROPER WAIVER MOTION.

ENCLOSED IS A SIGNED CERTIFICATION
OF IDENTITY IN ACCORDANCE WITH
28 CFR SEC 16.41(D) THAT WILL
VERIFY MY IDENTITY AS THE INDIVID
UAL WHO IS THE SUBJECT OF THE
RECORDS SOUGHT.

THANK YOU FOR CONSIDERATION OF THIS
REQUEST

Cordially



Joe W. Peoples III

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Joe Peoples
40425-048
B-3

APR 25 2019

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JD# 40425-048
U.S.P. Beaumont 26030
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JUDGE FELDMAN SWORE UNDER OATH DOCUMENT #48 THAT HE
SIGNED Document #1. MAY I PLEASE SEE IT? THATS ALL!!